

# PARTICIPANT



# HANDBOOK

Coconino County

DUI/Drug Court

Welcome to the Coconino County DUI/Drug Court Program. This handbook is designed to answer questions, address concerns and provide information about the DUI/Drug Court Program. As a participant, you will be expected to follow the instructions given by the Judge in DUI/Drug Court and to comply with the treatment plan developed for you by your counselor. This handbook will detail what is expected of you as a DUI/Drug Court participant and review general program information. Participants are encouraged to share this handbook with family and friends.

***You must move within a 35 mile radius of Flagstaff before you start the program. Your first day of the program will be your Change of Plea/Sentencing date scheduled with the DUI/Drug Court Judge.***

You must first meet with your probation officer to complete an intake interview and discuss the conditions of DUI/Drug Court. Your Probation Officer is Michelle Hodsdon, the phone number is (928) 226-5682 and the address is 222 E. Birch. After meeting with your pr officer, you must also meet with the treatment provider immediately. They are located at 2187 North Vickey Street and the phone number is 527-1899. You will also need to meet with your attorney, Kevin O'Brien, from the Public Defender's Office. His number is (928) 779-6663 and his address is 110 E. Cherry Avenue. If during referral or assessment a defendant appears to be an undocumented citizen the Coordinator will notify the referring Defense Attorney that if the defendant is offered a DUI/Drug Court plea and the defendant is sentenced to Probation, the Probation Department will report their illegal status to ICE or Immigrations and Customs Enforcement. If the defendant is working for an employer, Adult Probation staff will also inform the employer of his or her illegal status.

## MISSION STATEMENT

To require abstinence and accountability, and promote recovery through a court-supervised treatment program which reduces crime, improves community safety and leads the participant to a healthier, more productive lifestyle.

## **PROGRAM DESCRIPTION**

The Coconino County DUI/Drug Court Program is a court-supervised, comprehensive treatment program for nonviolent offenders. This is a voluntary program that includes regular court appearances before a designated DUI/Drug Court Judge, treatment (which includes individual and group counseling), drug testing, regular meetings with your probation officer and support group attendance.

A person may be eligible if the current charge is DUI, possession of drugs, or other alcohol or drug related crimes, and the person has a history of nonviolent crimes involving alcohol or drug use. Anyone who has been convicted of a “serious offense” as defined by statute, a sexual offense or an offense involving a weapon or dangerous instrument is not eligible for the program. Also, participants must avow no previous participation in any drug court programs.

Treatment is supervised by Northern Arizona Substance Abuse Services (NASAS). A counselor or probation officer will assist you with obtaining assessments for educational and skill-related needs and will provide referrals for vocational training, education and/or job placement services as needed. All participants are required to participate in Intensive Outpatient Treatment at NASAS. However, your treatment plan may be modified to address additional needs and your progress in the program which may include but not limited to: residential treatment, placement in a half-way house, individual therapy, relapse prevention group or increased support group meetings.

The program length is one year. After eligibility has been determined, a Deputy Public Defender or privately retained counsel will advise you of your choices and discuss the DUI/Drug Court Program with you. If you choose to accept the program, an appointed attorney will continue to assist you throughout DUI/Drug Court.

Failure to complete the program will result in imposition of the sentence set forth in your plea agreement. Successful completion and graduation from the program may result in early termination of probation, and/or dismissal of the charges.

The Coconino County DUI/Drug Court Judge will oversee your progress and will have full jurisdiction of the entire process. Final determination of eligibility to enter the program shall only be made by the County Attorney’s Office, with input from the appropriate agencies and treatment staff.

## **DUI/DRUG COURT SUPERVISION**

As a DUI/Drug Court participant, you will be required to appear in DUI/Drug Court on a regular basis. Your probation officer and your treatment counselor will provide the DUI/Drug Court Team

with reports regarding your progress, including drug test results, and attendance and participation in the treatment program. The Judge may ask you, your probation officer or your counselor questions about your progress and the Drug Court Team will discuss any specific problems that arise. If you are doing well, you will be encouraged to continue with the program and work with your counselor toward successful completion. If you are not doing well, the Judge will discuss this with you in court and determine further action. The goal of the DUI/Drug Court Program is to help you achieve total abstinence from illegal drugs and alcohol, and in doing so; prevent your future interaction with the criminal justice system, thus improving the quality of your life. The Judge may adjust your treatment program based on your progress.

Probation supervision consist of random/unannounced visits to your home, place of employment, treatment facility, or any other place deemed necessary to monitor compliance with the DUI/Drug Court Program requirements. Visits can be any time of day or night and you will be required to submit to a breath and/or urinalysis test as requested.

Failure to appear in Court on the date and time you are scheduled may result in a warrant being issued for your arrest. If you cannot appear in court as scheduled, you must notify the probation officer as soon as possible to explain why you cannot appear. If you are not excused by your probation officer, you must appear in Court. If you are arrested for a new offense committed while on probation in DUI/Drug Court, you may be terminated from the program. Other violations that could result in termination include consistently missing urinalysis tests, positive urinalysis tests, unsatisfactory participation in the treatment program or violence or threats of violence directed at treatment staff, drug court team members or other clients. All decisions regarding termination from the program will be made by the DUI/Drug Court Judge, with input from your probation officer, counselor, the drug court coordinator, the prosecuting attorney and your appointed counsel.

### **DUI/DRUG COURT PROGRAM RULES**

As a DUI/Drug Court participant, you will be required to abide by the following rules: Attend all treatment sessions. This includes, but is not limited to: individual and group counseling; educational sessions; Narcotics Anonymous meetings; Alcoholics Anonymous meetings or other support group activities. If you are unable to attend a scheduled treatment session, you must contact your counselor at NASAS as soon as possible in order to obtain permission to be absent. Also, be on time. If you are late, you may not be allowed to attend, and you will be considered noncompliant. Contact your counselor if there is a possibility you may be late.

1. Do not make threats toward other participants or staff or behave in a violent manner.

Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the DUI/Drug Court Program.

2. Do not bring any drugs, alcohol or weapons to the Court, Probation Dept. or into the treatment center.
3. Dress appropriately for court and treatment sessions. As a participant, you will be expected to wear a shirt or blouse, pants, dress, or skirt of reasonable length. Shoes must be worn at all times. Clothing that bears drug or alcohol-related themes or promotes or advertises alcohol or drug use is considered inappropriate. Sunglasses and/or hats are not to be worn inside the courtroom or treatment center. Speak with your treatment counselor if you need assistance with clothing. Do not chew gum in Court.

### **PRESCRIPTION DRUG POLICY**

During your participation in the DUI/Drug Court Program: you must notify your probation officer if you are currently being prescribed any drug and the reason you have been prescribed the drug. You must provide your probation officer with documentation and your prescription from your physician. If your prescription for medication changes at any time in the program you must provide a copy of the new prescription to Probation immediately. Probation may monitor medications by counting pills and prescription bottles to ensure proper usage. Prescriptions must be current; outdated prescriptions will not be accepted. You will also need a signed consent form allowing your probation officer to communicate with your physician. You are encouraged to discuss alternatives and/or options to drug therapy with your probation officer, counselor and physician. The court may not allow you to continue taking narcotic medication, sleeping pills or minor tranquilizers. Using prescription medication without a prescription will result in a sanction.

The following ingredients and prescription drugs may cause positive tests for amphetamines and methamphetamines:

Ephedrine	Phenfluramine
Ritalyn	MDA
Benzedrine	Desoxyn
Pseudoephedrine	Preludin
Chloroquine	Monamine Oxidase
Phentermine	Chlorpromazine
Desbutal	Zantac
Phenylephrine	Benzphetamine
Pseudoephedrine	MAMA Phenylolpropanolmine Hydrochloride

Methoxyfentanyl      Diphenhydramine

While these drugs can be sold over the counter at any drug store, it is important not to take any of these medications. If you are in need of any of these, please discuss alternative medications and therapies with your physician. Remember all medications you are taking can show a positive reading on your urinalysis tests.

### **COURT ASSESSMENTS**

As a participant, you will pay court-ordered assessments to the Adult Probation Office. These assessments, which are set by the Judge, include \$55 each month toward your DUI/Drug Court Supervision Fee and a minimum payment each month toward your cost of defense and any fines imposed or restitution ordered. Payment records will be reported to the Judge as part of your regular progress report.

### **PAYMENT SCHEDULE**

All fees and fines must be paid monthly. You may be held up from phasing in the program if you do not pay these. All fines and fees must be paid before graduation.

Additionally, travel requests may be denied if you're not current on your payment schedule.

### **TREATMENT PROCEDURES**

Northern Arizona Substance Abuse Services (NASAS) has established a DUI/Drug Court treatment program. Following your acceptance into the DUI/Drug Court Program, you will be responsible for scheduling your first meeting with (NASAS). The DUI/Drug Court treatment program includes assessment, intensive outpatient treatment sessions and treatment plans, urinalysis tests, and support groups. The treatment provider (NASAS) determines when intensive outpatient treatment has been successfully completed.

### **ASSESSMENT AND TREATMENT PLANS**

An initial assessment and treatment plan will be developed by you and your counselor following an overall assessment of your needs. The plan will act as a guide throughout your DUI/Drug Court treatment. The treatment plan will identify issues that need to be addressed in treatment, help you set goals, identify ways to attain the goals, and develop target dates for achieving them. The plan will be kept in your treatment file for regular review and necessary updates as you progress through the program. Any revisions to the plan will be made and signed

by you and your counselor. When you have completed the minimum requirements of each phase the Treatment Liaison will update the drug court team on your progress towards accomplishing treatment goals. The team will decide whether or not you are ready to phase. The treatment provider determines when intensive outpatient treatment has been successfully completed.

### **URINALYSIS**

You will be tested for drugs and alcohol throughout the entire treatment program. The urinalysis tests are randomly ordered. The DUI/Drug Court Judge will have access to all drug test results, including any failures to provide a urine sample. The judge or probation officer may order a drug test at any time. The goal of the DUI/Drug Court Program is to help you achieve total abstinence from illegal drugs and alcohol. Any positive, missed or diluted specimen may result in a sanction.

### **COUNSELING**

Intensive outpatient treatment requires a few individual counseling sessions and many group therapy sessions. The treatment utilizes cognitive behavioral therapy in order to change actions by changing the way you think. The treatment program is designed to give you skills to avoid alcohol and drug use and maintain long-term sobriety. Successful recovery can decrease or eliminate your legal problems, health problems, and social problems. The individual and group counseling sessions will help you address problems and create solutions. Your attendance at counseling sessions will be reported to the Judge as part of your progress report. Nutrition will also be addressed during treatment.

### **RECOVERY SUPPORT GROUPS**

Attendance is required at 12-step meetings such as Narcotics and/or Alcoholics Anonymous or other support groups. Support groups and support group activities are intended to help you build relationships with clean and sober people that support your recovery. Your counselor will also direct you to special interest and recovery events in the community. Support group attendance has to be verified by obtaining signatures from those conducting the meetings or recovery events. Your verification of attendance needs to be handed in to the judge every time you appear in court. All assigned support groups must be completed before you will be able to advance to the next phase of treatment.

### **MANDATORY JAIL TIME**

Some offenses require mandatory jail sentences (DUIs). All mandatory jail sentences must be



complete before you can graduate. While serving the jail time, you may be eligible for work furlough. If you relapse while on work furlough, you may be required to use some of your furlough hours to attend treatment or work furlough may be terminated. Additionally, if you postpone your mandatory sentence after starting the program and are sanctioned for a violation of the program requirements, the team may require you to serve your jail time immediately.

## **TREATMENT PHASES**

The DUI/Drug Court Treatment Program is a four-phase, highly structured, intensive outpatient treatment program lasting a minimum of one year. Each phase consists of specified treatment goals & objectives and therapeutic and rehabilitative activities designed to achieve and maintain sobriety. Treatment requirements will not be the same for all participants. Your treatment plan may be modified to best suit your needs and progress in the program which may include but not limited to: residential treatment, placement in a half-way house, individual therapy, relapse prevention group, or increase support group meetings.

### **PHASE I - STABILIZATION and ORIENTATION**

Length: 3 Months minimum

1. DUI/Drug Court (once per week)
2. Probation officer contact
3. Intensive Outpatient Treatment (three group sessions per week)
4. Random Drug and Alcohol Tests
5. Community Service if not employed
6. A curfew (9:30 p.m.)
7. Support Groups (two meetings per week)
8. Ancillary Services as assigned

### **PHASE II - INTENSIVE TREATMENT**

Length: 3 months minimum

1. DUI/Drug Court (twice per month)
2. Probation officer contact
3. Intensive Outpatient Treatment (two group sessions per week)
4. Random Drug and Alcohol tests
5. Community Service if not employed
6. Curfew (10:00 p.m.)
7. Support Groups (two meetings per week)
8. Regular meeting w sponsor/mentor

### **PHASE III - CONTINUED RECOVERY**

Length: 3 Months minimum

1. DUI/Drug Court (twice per month)
2. Probation officer contact
3. Intensive Outpatient Treatment (one group session per week)
4. Random Drug and Alcohol Tests
5. Regular meeting w sponsor/mentor
6. Curfew (10:30 p.m.)
7. Support Groups (three meetings per week)
8. DUI Impact Panel as assigned
9. Identify potential mentors

#### **PHASE IV TRANSITION**

Length: 3 months minimum

1. DUI/Drug Court (once per month)
2. Probation Officer Contact
3. Relapse Prevention (1 session weekly)
4. Random Alcohol & Drug Testing
5. 4 Support Group meetings per week
6. Curfew 11:30p.m.
7. Regular meeting w sponsor/mentor
8. Begin mentoring others

#### **TASKS TO COMPLETE PRIOR TO LEVEL ADVANCEMENT:**

1. Successful completion of all phase requirements.
2. Counselor determines Treatment Plan Goals have been accomplished.
3. Counselor recommends advancement to next Phase of DUI/Drug Court on Progress Report.
4. DUI/Drug Court Team will make the decision whether or not a participant advances to the next Phase after Progress Report is reviewed and progress is discussed in DUI/Drug Court staffings.
5. Notification of advancing to the next Phase of DUI/Drug Court will be given by the Judge during court.
6. Must be current on monthly payments.
7. No sanctions or technical violations the week participant is scheduled to phase.

#### **TASKS TO COMPLETE PRIOR TO GRADUATION:**

1. Participants must complete all Phase Requirements of the DUI/Drug Court Program.
2. Treatment Plan Goals must be accomplished. This will be determined by your counselor/s.
3. Fines and fees to be paid in full.
4. Mandatory Jail time must be served.
5. Exit Interview has been completed.
6. Defendant has had clean urinalysis & breath tests for a minimum of six months.

## **CONSEQUENCES**

If at any time you are not complying with the DUI/Drug Court treatment program, you will be assigned a court date to report to the Judge. Non-compliance includes positive or diluted urinalyses, failure to take urinalyses as specified, or two or more unexcused absences from probation meetings or counseling sessions. Any absence from DUI/Drug Court will most likely result in a warrant. Driving on a suspended license and curfew violations will be sanctioned as well as leaving town without permission from your Probation Officer or the Court. Re-arrests may result in a sanction or program termination. The DUI/Drug Court Team reserves the right to modify sanctions for the most effective response. Listed below are some of the possible consequences that may be imposed.

The DUI/Drug Court Team may, at anytime, terminate a participant for non-compliance or if your actions are detrimental to the program, at any time.

1<sup>st</sup> Sanction: 24 hours in Jail or 8 hours community service, or curfew.

2<sup>nd</sup> Sanction: 48 hours in jail or 12 hours community service, or curfew.

3<sup>rd</sup> Sanction: 5 days in jail with or without work furlough, or 16 hours community service, or curfew.

4<sup>th</sup> Sanction: 7 days in jail with or without work furlough, or 24 hours community service, or curfew.

5<sup>th</sup> Sanction: 10 days in jail with or without work furlough, 32 hours community service, Phase extension, or curfew.

6<sup>th</sup> Sanction: 14 days in jail with our without work furlough, 40 hours community service, Phase extension, or curfew.

7<sup>th</sup> Sanction: Case reviewed by DUI/Drug Court Team to determine continued eligibility.

8<sup>th</sup> Sanction: Non-Compliance; termination from DUI/drug Court Program.

## **COMMUNITY SERVICE**

Participants may be assigned community service as a sanction imposed by the judge. Assistance in finding community service will be provided by the probation officer; however, the participant may request a specific organization. The organization must be a site that has been approved by the Adult Probation Community Service Coordinator.

## **EDUCATION, VOCATION AND EMPLOYMENT PROGRAMS**

Recovery from substance addiction means developing self-reliance and becoming a productive and responsible member of society. The DUI/Drug Court Program requires full time employment or education. A part-time job and student status will satisfy program requirements while participating

in the program. Prior to graduation, you will be expected to be involved in an educational or vocational training program if needed. Your counselor or probation officer will work to assist you in obtaining an assessment of your needs and skills and will refer you to the proper agencies for education, training and job placement. If you are unemployed or not a full-time student you may be placed on formal job search and/or required to complete community service until employment is obtained.

### **SOCIAL SERVICES**

Upon your entry into the DUI/Drug Court Program, your counselor or your probation officer will assess your housing, transportation, family and general living needs and when appropriate, refer you to a local, state or county agency for assistance.

### **CONFIDENTIALITY**

You will be asked to sign a statement releasing appropriate information to the DUI/Drug Court Judge and the Drug Court Team members. An identification number will be assigned to you that will be used in all evaluation activities to safeguard your identity.

### **TRAVEL**

Travel is a privilege not a right. In Phase I no travel is allowed unless a serious emergency arises. Travel is often used as an incentive for sustained sobriety and progress in Phases II, III, and IV. You will only be allowed to travel if you are in good standing in the program. Any overnight travel requests must be turned in to probation by 5:00 p.m. the Tuesday prior to court. If you are given permission to travel you must call Probation before you leave and when you return. Additionally, you may be required to make arrangements to submit a urinalysis test while on travel.

### **GRADUATION**

Once you have successfully completed the treatment program, you will graduate from the DUI/Drug Court Program. Graduation from the program will be determined by the DUI/Drug Court Judge only with recommendations from the DUI/Drug Court Team. At graduation, your family will be invited to join you in court as the Judge congratulates you for successfully completing the DUI/Drug Court Program and achieving your goal to establish a drug-free life.

### **CONCLUSION**

The DUI/Drug Court Program has been developed to help you achieve total abstinence from

illegal drugs and alcohol. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible member. The program is voluntary and is your personal choice to participate. The Judge, DUI/Drug Court Coordinator, the court staff, the Prosecuting and Defense Attorneys, your Treatment Counselor and Probation Officer are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and to commit to a drug-free life. Good luck to you.

## ELIGIBILITY CRITERIA

### COCONINO COUNTY DUI/DRUG COURT - The Individual:

1. **Is NOT eligible** for DUI/Drug Court if he/she is currently charged with a violent offense or has a prior conviction of a violent felony offense. (For this purpose, violent offense is defined pursuant to A.R.S. §13-604, A.R.S. §13-3422 and 42 U.S.C. 3796ii, et seq.)
2. **Is NOT eligible** for DUI/Drug Court if he/she is charged with a PROP 200 eligible offense.
3. **Is NOT eligible** for DUI/Drug Court if he/she is currently charged or has been previously convicted of certain offenses involving a weapons violation (i.e. a person using or carrying a weapon during the commission of an offense).
4. **Is NOT eligible** if the Defendant has previously participated in a DUI/Drug Court or a drug diversion program.
5. **Is NOT eligible** if the Defendant is charged or convicted of a sex offense.
6. **Is NOT eligible** if the Defendant is currently on IPS or Federal Probation (city court probation is okay).
7. **Is eligible** if he/she is charged with a PROP 200 jail eligible offense (2<sup>nd</sup> offense).
8. **Is eligible** if he/she is ambulatory, has no major health problems, and does not require medications that are forbidden in the DUI/Drug Court.
9. **Is eligible** for DUI/Drug Court if charged with or convicted of a misdemeanor assault charge. (Classification of offenses such as domestic violence do not automatically preclude a defendant from DUI/Drug Court eligibility.)
10. **Is eligible** for DUI/Drug Court if he/she has a prior violent offense charge or arrest that did not result in a conviction.

11. **Is eligible** for DUI/Drug Court if he/she has prior drug or alcohol-related convictions, including felonies. Juvenile adjudications may be considered to satisfy requisite criminal history for DUI/Drug Court eligibility.
12. **Is eligible** for DUI/Drug Court if he/she is currently on standard probation and facing revocation proceedings and meets the other eligibility criteria.
13. **May be eligible** only after completing a clinical assessment through the DUI/Drug Court Program.
14. **May be eligible** for DUI/Drug Court if he/she suffers from an alcohol/drug addiction and is charged with a criminal offense, including but not limited to the following examples:
  - a. Driving Under the Influence of Alcohol or Drugs
  - b. Assault - misd. fighting, struggling with police and misd DV arrests.
  - c. Burglary - stealing from vehicles, stealing alcohol, etc.
  - d. Stolen Vehicle - taking vehicle from family, friend, etc. when drinking or using drugs.
  - e. Forgery - to obtain drugs/alcohol
  - f. Fraud - to obtain drugs/alcohol
  - g. Stolen Property - stealing from stores, residence, etc.
  - h. Damaged Property - when using drugs/alcohol
  - i. Trespassing - while using drugs/alcohol
  - j. Disorderly Conduct
  - k. Shoplifting
15. Must be a resident of Coconino County and live within a 35 mile radius of Flagstaff to participate in the Program.
16. Has the choice whether or not to participate. DUI/Drug Court is a voluntary program. The County Attorney reserves the right to refuse the offer of a drug court plea to any defendant.
17. If during referral or assessment a defendant appears to be an undocumented citizen the Coordinator will notify the referring Defense Attorney that if the defendant is offered a DUI/Drug Court plea and the defendant is sentenced to Probation, the Probation Dept. will report their illegal status to ICE or Immigrations and Customs Enforcement. If the defendant is working for an employer, Adult Probation staff will also inform the employer of his or her illegal status.
18. WHEN IN DOUBT, CALL DUI/DRUG COURT 226-6057.

6/18/08